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CENTRAL FAX CENTER****FEB 01 2005****FACSIMILE TRANSMISSION  
TO THE U.S. PATENT AND TRADEMARK OFFICE****PLEASE DELIVER TO ATTN: Mail Stop Petitions**

Concerning the following application:

ATTORNEY DOCKET NO.: 8654/2002

Application of:	Eberhard Amtmann
Serial No.:	09/784,618
Filed:	February 15, 2001
Entitled:	Medicament Containing Platinum Complex Compounds and the Use Thereof

Examiner: Rebecca Cook

Group Art Unit: 1614

Conf. No.: 2652

Facsimile No.: 703-872-9306

Our Facsimile No.: 1-617-227-4420

Number of pages including cover sheet: 12

Transmitted herewith: Transmittal Letter (2X), Second Petition Under §1.28(c), copy of Petition  
Under §1.28(c) as filed on January 19, 2005 with fax confirmation sheet**CERTIFICATION**I hereby certify that the paper identified above is being facsimile transmitted to the U.S. Patent  
and Trademark Office, on the date indicated below.Date: 2/1/05  
Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Palmer &amp; Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100

Atty. Docket No.: 8654/2002      PATENT  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Eberhard Amtmann et al.	Examiner: Cook, Rebecca
Serial No.: 09/784,618	
Filed: February 15, 2001	Group Art Unit: 1614
Titled: "Medicament Containing Platinum Complex Compounds and the Use Thereof"	Conf. No.: 2652

**CERTIFICATE OF FACSIMILE TRANSMISSION**

**UNDER 37 C.F.R. § 1.6d**

I hereby certify that this correspondence and any paper referred to as being enclosed are being facsimile transmitted on the date indicated above to the Commissioner for Patents, Fax No. (703)872-9306

Kathleen M. Williams

Name of Person Mailing Paper

Signature of Person Mailing Paper

**Via Facsimile: Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL LETTER**

Enclosed for filing the above-identified patent application, please find the following document:

1. Second Petition Under § 1.28(c); and
2. Copy of Petition Under § 1.28(c) as filed on January 19, 2005;

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 8654/2002. A duplicate of this transmittal letter is enclosed for this purpose.

Date: 2/1/05

Respectfully submitted,

Kathleen M. Williams

Registration No.: 39,380

Customer No.: 29933

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100

Atty. Docket No.: 8654/2002 PATENT  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Eberhard Amtmann et al.	Examiner:	Cook, Rebecca
Serial No.:	09/784,618		
Filed:	February 15, 2001	Group Art Unit:	1614
Titled:	"Medicament Containing Platinum Complex Compounds and the Use Thereof"	Conf. No.:	2652

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Date: 2/1/05

Name: Kathleen M. Williams  
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Tel: 617-239-0100

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Atty. Docket No.: 8654/2002 PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Eberhard Amtmann et al.	Examiner:	Cook, Rebecca
Serial No.:	09/784,618	Group Art Unit:	1614
Filed:	February 15, 2001	Notice of	9/22/04
Titled:	"Medicament Containing Platinum Complex Compounds and the Use Thereof"	Allowance mailed:	
		Conf. No.:	2652

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND PETITION UNDER § 1.28 (c).**

This is a second petition under 1.28 (c), which is identical to a petition filed under 1.28 (c), with the one exception that the petition was faxed directly to the petitions office at 571-273-0025, on January 19, 2005, following the advice of a petitions officer at the PTO. When we called about the status of the petition, we were advised to re-file the petition using the centralized fax number 703-872-9306 which we are doing instantly. PLEASE EXPEDITE!

This petition under 1.28 (c) is being submitted to excuse an error in small entity status. Specifically this petition is being submitted to rectify an inadvertent mistake by Applicant on December 10, 2004 of paying the issue fee for the above mentioned application in an amount required by a small entity instead of a large entity. Applicants realized this error on January 17, 2005, and talked to a petitions official at the USPTO who suggested filing a petition under 1.28 (c).

Large entity status was established in this application in October of 2001, and has been maintained as such through the application's file history. Through an inadvertent

Attorney Docket No.: 8654/2002  
 Serial No.: 09/784,618  
 Page 2

error made in good faith when filing PTOL-85 on December 10, 2004, the large entity status was changed to indicate a small entity by checking Box 5a: "Applicant claims SMALL entity status. see 37 CFR 1.27", and signed by an authorized patent agent.

Applicants are hereby petitioning under Rule 1.28 ( c) for the PTO to excuse the inadvertent error in Applicant's mistakenly establishing small entity status at the time of the payment of the issue fee. According to Rule 1.28 ( c), if the

" status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, ... the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:"

Calculation of deficiency owed, as required by Paragraph (c)(1) is \$730.

Itemization of the deficiency payment as required by Paragraph (c)(1). The itemization must include the following information:

	Item #1	Item #2	Total
(A) Each particular type of fee that was erroneously paid as a small entity	Issue Fee Large Entity = \$1330	One month extension of time Large Entity = \$120	
(B) The small entity fee actually paid, and when.	\$665, paid Dec 10, 2004	\$55, paid July 22, 2004	
(C) The deficiency owed amount	\$665	\$65	
(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.			665 + 65 = \$730


The director is hereby authorized to charge the required deficiency fee(s) of \$730, or credit any overpayment, to Deposit Account No. Applicant believes that no fee is associated with the filing of this petition, other than the above mentioned deficiency

Attorney Docket No.: 8654/2002  
Serial No.: 09/784,618  
Page 3

payment owed. Please also charge any additional fees required to Deposit Account 16-0085, Reference No. 8654/2002.

Respectfully submitted,

Date: 2/1/05

  
Name: Kathleen M. Williams  
Registration No.: 34,380  
Customer No.: 29933  
Palmer & Dodge LLP  
111 Huntington Avenue  
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Tel: 617-239-0100

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Examiner: Rebecca Cook

Group Art Unit: 1614

Conf. No.: 2652

Facsimile No.: 571-273-0025

Our Facsimile No.: 1-617-227-4420

Number of pages including cover sheet: 5

Transmitted herewith: Transmittal Letter (2X) and Petition Under §1.28(c)

**CERTIFICATION**

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1/19/05

Kel Williams  
Name: Kathleen M. Williams

Registration No.: 34,380

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Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

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Received  
Date: 1/19/05  
By: [Signature]  
Palmer & Dodge LLP  
Patent Department

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Atty. Docket No.: 8654/2002 PATENT  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Eberhard Amtmann et al.	Examiner:	Cook, Rebecca
Serial No.:	09/784,618		
Filed:	February 15, 2001	Group Art Unit:	1614
Titled:	"Medicament Containing Platinum Complex Compounds and the Use Thereof"	Conf. No.:	2652

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Application of:	Eberhard Amtmann et al.	Examiner: Cook, Rebecca
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Attorney Docket No.: 8654/2002

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Respectfully submitted,

  
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111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100

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PAGE. 01

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